

<p style="text-align:center">TOWN COUNCIL MEETING July 25, 2006</p>

The Council Meeting of July 25, 2006 was called to order at 7:00 PM in the Londonderry Access Center, 281 Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman, Brian Farmer; Councilors Mark Oswald, Tom Dolan, Marty Bove and Joe Paradis; Assistant Town Manager/Fin. Dir. Susan Hickey; and Margo Lapietro, Executive Assistant.

Chairman Farmer opened the meeting by stating there was only one item on the agenda Council Discussion and Fact Finding review of statutory responsibilities, Public Libraries and the adoption of relative issues. He proceeded to provide an outline of the meeting and the differences between public meetings vs. public hearings. Public Meetings are those held in public settings, in view of the public. Participation is at the discretion of the chair of the meeting. We do not follow Robert's Rules. Public Hearing is similar except that we are actually seeking public input. This is a public meeting of the Council. The Chairman of the Library Trustees and the Trustees Liaison to the Council have been invited to participate in the discussions. The participation of others will be limited and is at the discretion of the Council Chairman. Two elected government bodies should be able to conduct themselves in a professional manner.

OPEN STATEMENTS

Council Chair – Brian Farmer stated the goal is to hopefully work out the different viewpoints we have. This is about trying to bring closure to what has been simmering for years. The Charter gives the Town Council Chair the authority to call a special meeting any time he wishes with proper notice. Open for questions, no input. He stated that we recognize that there are three separate governing bodies, Town Council, School Board and the Trustees of the Library. We should appreciate that the first two are completely independent of each other, have a history of collaboration on a variety of issues; maintain dialogue on a number of issues. Unfortunately this same distinction does not apply to the Library Trustees in their relationship with Town Council. While separate, the Trustees are not completely independent from the Council. The budgetary process joins them and the budget they receive is based on Councils' recommendation. This is the very reason the Town Council takes an interest in the operation of the Library. Sadly the relationship with the Council and Trustees does not reflect the reality of this joint mission. Where one should expect a close collaboration with goals and objectives, there is acrimony. The Council has actively sought the means to change this. Although this acrimony has been going on for some time, which seems to be a surprise to some people, a great deal of effort has been going on to change this. Largely due to the efforts of the Council Liaison and the Trustees and the way in which he has been treated has been drawing a lot of attention to the public. No matter how well intentioned the advice may be supplied by the liaison it seems to be ignored and discarded. The Town Council is elected to provide oversight to the Town, we work very hard to ensure a reasonable level of service, and we

do our best to manage a stable tax rate. Have to have a higher level of cooperation between the Council and the Trustees to accomplish this task. As Trustees it should be your objective as well. The Council seeks a workable relationship. This Council will begin to explore all the options available to us to ensure that the best interests of the Community of Londonderry are first and foremost. Respect the contribution that volunteers have done for the Community. We are elected representatives and we need to work better together.

Trustee Liaison – Councilor Dolan, stated that the Library Trustees at the beginning of this month sent a letter to the Attorney Generals (AG) Office to clarify an Ordinance about the roles and responsibility of Council Liaisons. This is symptomatic I believe that in many cases this semi-autonomous group has established adversarial relations with both the taxpayer and their representatives, Town Manager, Town Finance Director, HR Manager, School Superintendent and now Town Council. At one point the Library threatened the School District with issuing them a water bill because an outside hose was used by a school group trying to raise money by a car wash event. When a resident moves to Londonderry, and drives through the Town Center parking lot their first impression is a hostile greeting, some 23 no parking signs for 21 parking spaces. Library's technology is falling behind, there has not been a Capital Improvement Plan (CIP) in over five years. No ability to search or reserve books on the web, not capable to handle wireless laptops to do research, software over a dozen years old, no meeting room projectors or cameras, no ability to televise a meeting or presentation. They have the fourth largest budget in Town and meet with no exposure to television. They discussed, until recently, employee evaluations in public. There is an alarming attrition rate of almost 30% of employees leaving the library each year. Derry only has 4%. The Library takes in about 25K in cash receipts every year, however in our most recent audit the cash management problems identified at the Library have no corrective action plan. It has no strategic plan, no technology plan, no goals, and no objectives. This year they again have no input to the CIP. He stated there are 7 libraries in Town, six are run by the School Department, one by the Trustees. The six run by the School Dept. work together, have an efficient operation and control costs, invite suggestions from others. Those six libraries operate like a well oiled machine, offer new technologies, on line research and reservations. Also operate with little or no attrition. Leach Library operates as an island, little ability or desire to be efficient by itself. Pays 3 times the executive overtime rate than the rest of the Town which is in violation of Town policy and its own accepted rules. It is the only entity in the community that pays bonuses to public employees and operates with no strategic plan, no shared accountability with any other libraries in the community. Services and technology are falling behind while their budget is growing faster each year than any other element of government in the community. This can only be fixed with creative and proactive solutions. Technology services should be approved and updated, hours of operation should be expanded, and customer service should be improved. Focus on "turf issues" is a waste of time. Tax payers want modern services from the library and lower taxes. The taxpayers expect the Library will soon reduce the adversarial relationships with their fellow residents, play by the rules, and take responsibility for the 4th. largest budget in Town and start saving the Londonderry taxpayers some money. Need fresh ideas for the community.

Councilors – Councilor Bove stated he had the pleasure of being the liaison for 4 years and during that time he found the Trustees and staff to be professional, responsible, considerate, and fully open to any question the public brought to them and understanding of the difficulty of the budget process. Their budget has been beaten down a number of times taking money away from books requested. They don't have their own IT support. He commended them on the excellent job they have done. Some things do have to be changed. He stated it would be difficult to cut the budget and install new technology while asking for budget cuts. He stated that he does not see a public outcry for the new technology. He stated that the library has put out surveys to the community to see where improvements could be made. He commended them for a good job and was sorry that this whole misunderstanding came about.

Councilor Paradis stated this his short term as Liaison was a positive experience. He offered suggestions and opinions when asked, not as well versed in RSA's as they apply to the Library because new to the Council. Trustees have had some problems with Town Government and Finance. The Trustees don't run the Library as a business, should be addressed and streamlined. He recommended everyone come to an agreement on going forward on how the Library could be run more efficiently.

Chair of Board of Trustees – Richard Matchie stated he disagrees with what Councilor Dolan said. He said the school group was not a charitable organization. He stated they have lost 2 people in the last year one went to college and the other was the Children's Librarian who lost her husband and made changes in her life. He told Councilor Dolan he had no idea what he was talking about.

Library Trustee Liaison to Town Council – Anne Jacoby said she was here to engage, tone of meeting so far does nothing for engagement. Just adjourned from an emergency meeting that the Library Trustees just had, reason it was an emergency meeting was not that we needed to react to this but we wanted to have an opportunity to talk with two experts in the field of RSA's, and library law. We are elected by this community, constitutionally the Town Council is required to provide adequate funding to the Town Library that is constitutional law in the State of NH. We look to the liaison in the past as a key individual to open up communication, to be an advisor, to tell us what is important to the Council, to go to the Council and be a spokesperson for the library. She stated that it should be two bodies working together for this community. She stated that the meeting held tonight should have been held in non-public and they are still arguing about it and they decided to err on side of caution. Introduced two experts on RSA law; Lillian Edelmann, Pres. Of the Board of Directors of the NH Library Trustees Assoc. ,and Elizabeth Ives of member of the NH Library Trustees Assoc. Board of Directors Chairman Farmer asked to hold off with their comments until they review the RSA's. Councilor Bove stated he didn't see why we had to review the RSA's because this is supposed to be about issuing the guidelines and policies for the liaison. If somebody has a particular problem with a certain RSA they should talk about it..

Review of Council Order on Liaison Roles and Responsibilities – Chairman Farmer stated the liaisons serve thirty odd committees, the role and responsibilities were never formally defined. The Ordinance was not directed at the Library Trustees, it was directed at all liaison's responsibility. No formal definition in the Town Charter. Discussion ensued about working issues out with both the Library and Town Council. Councilor Dolan talked about the attrition rate that he felt affected the efficiency at the library. Questioned how we can get the library to operate at a high level, improving technology and at a lower cost. Richard Matchie said this meeting was initially a fact-finding mission to improve relations between the Council and the Trustees. He felt it was turning into a lecture on finding fault with the library by a person who has no idea what he is talking about. He felt that Council went out of their way to add Library Trustees to the Ordinance, the liaison should follow the lead with the prior liaison. He also stated that the Ordinance reads that Council has the right to remove a Trustee if they miss four consecutive meetings including an elected official.. Chairman Farmer said he would check it out and revise the language. It was probably an error and missed. R. Matchie requested that the meeting go back to the original intent of the meeting of how we are going to improve relations between the Council and Trustees. Lecturing and berating the Trustees is not a way to improve relationships. Councilor Oswald stated we should refer the question to our Counsel or AG's Office about the removal of the Trustees based on State statute or Town Ordinances. He said he was disappointed that the Library had chosen to go to the AG's office when none of the other Boards in Town had ever done that. He asked if they had a response from the AG's Office at which point Anne Jacoby said she was disappointed with the tone of tonight's meeting. She stated that this meeting should have been in a non-public issue. At this point in the meeting the Library Trustees exited the room. Chairman Farmer stated Town Council consulted with legal counsel and they were told that they could not hold this meeting in non-public session. Chairman Oswald stated that he was still waiting for an answer as to whether or not they received an answer from the AG's Office. CC Mitchell stated that we should get past the problem, Councilor Dolan should not stay on as liaison to the Trustees. Lillian Edelman, Pres. Of the NH Library Trustees said that on 4/12/94 Supreme Court ruled that the library is distinct and completely autonomous. Has complete jurisdiction of the funding and the management of the library. Suggested the Council and Library work out problems, terrible for Town and Library. At this point in the meeting the Trustees returned to their seats. Chairman Farmer asked L. Edelman that the Library confirm existence of meeting minutes where the following items were formalized: RSA 202-A:12-Trust Fund Annual Reports – he feels that that requirement is not being met. Every other Town Dept. supplies that information. Referring to trust funds, receipts from whatever sources, all expenditures, all properties in Trustees care, any bequests and donations, total number of books, number of borrowers. He stated that outside funding would have a bearing on the amount of money the Town would be expected to raise that year or the following year. The Council needs that data to properly consider the budget. Not getting full financial reports, been told they are not available. He stated his strongest concern with all the RSA's is the specific provision for providing financial reporting information, it has to be comprehensive, it is relative to the community and has to exist. The RSA's call it a misdemeanor if not supplied, what are they going to do to solve that problem. L. Edelman stated that your are going to have to meet with the Trustees to deal with these

difficulties. Councilor Bove stated that funds were always recognized in the meeting minutes and the Librarian always provided a detailed report at budget time. Councilor Oswald asked again if a response was received from the AG's Office. Anne Jacoby said a verbal comment from the AG's Office said we indeed need to look at #3 and #4 in Section #10. The Library Trustees definition of the role is to facilitate communication, share Town Council opinion. Sharing communication both ways and the seating arrangements did not facilitate that role. It should not be at the discretion of the chair for a liaison to enter non-public. Any meeting or any topics in non-public are decided ahead of time as to the appropriateness of this and so on. The Chair cannot at the sole discretion of that person decide that the liaison can go into non-public. That individual requires the entire support and majority of the Board. If it is relevant to a Town issue that is different. Councilor Oswald asked for a copy of the decision from the AG's Office and upon receipt a copy will be forwarded to Town Counsel for review. Councilor Dolan listed the problems he witnessed at the meetings he attended:

First Meeting-Observed employee evaluations and raises in public
Second Meeting-Coffee issue and lack of technology – advised Trustees of where to obtain money for technology, no request from Trustees to update technology through franchise fees
Third Meeting-Was told they wanted him to sit down and be quiet.
Didn't go to the fourth meeting.

Councilor Paradis stated he did not see how it could work with Councilor Dolan staying as the liaison.

At this point in time, Barbara Ostertag-Holtkamp, Library Director addressed the points of turn-over at the library. She requested that Assist. Library Director, Sally Nelson read the 2000 annual report written by her predecessor about retaining and recruiting library personnel. B. Holtkamp proceeded to list every person who left the library from 2001 – 2005. She stated that the library has always strived to stay within the mandates of Town Council relative to the budget process. After this, she will ask for more things. Always listen to suggestions from the community, always run the library efficiently. Will be happy to implement new items if Council wants to give them more money for their budget. Invited Councilors to come and see how library is run. Chairman Farmer requested that she and the Trustees put together a list of the top ten things they would like to have.

Conclusion – Chairman Farmer suggested having small meetings, perhaps B. Holtkamp and Town Manager Dave Carron sit down in a more informal setting and start a dialogue to better serve the community. A. Jacoby stated we have to look at the process, not personalities. We have an obligation to the community to focus on working together. Councilor Oswald apologized on behalf of the community to Tom Dolan, he served the community well at Town Council. Did not hear a lot of refuting about Tom's meetings from taxpayers. He stated he hopes that the Trustee consider requesting cable equipment to televise their meetings. Funds are available. A. Jacoby said they were discussing it at their next meeting, they have to be just as accountable as other committees. At this point

in time Councilor Dolan offered to resign if Council felt he was not fulfilling his liaison obligations. He stated that the issues brought up by him will not go away by changing the liaison. He researched the RSA's, issues of technology, CIP and read available meeting minutes. Chairman Farmer stated it was not a question of service, personality is the question. He asked the Council for their opinion, Councilor Bove, Councilor Paradise and Chairman Farmer stated Aye. Councilor Oswald abstained. Richard Matchie stated he appreciated the Council willingness to make a change, welcomes change, and appreciates the efforts to have cooperation between Town Council and Board of Trustees.

Adjourn – 9:27 PM

Notes and Tapes by: **Margo Lapietro** **Date: 07/25/06**

Minutes Typed by: **Margo Lapietro** **Date: 07/28/06**

Approved: **Town Council** **Date: 09/18/06**